REMARKS

The Examiner indicated that claims 7 and 8 would be allowable if rewritten in independent form to include all the limitations to base claim and any intervening claims. To that effect, Applicant has amended claim 7 to incorporate the limitations of claim 1 while altering the incorporated language to indicate that the lock includes a first lock member which is movable between locked and unlocked positions in order to properly provide antecedent basis for language in original claim 7. Applicant submits that the substance in claim 7 is in accordance with the Examiner's comments and is therefore allowable and that claim 8 is allowable as depending therefrom.

The Examiner objected to the drawings under 37 CFR 1.83(a) specifically indicating that the drawings must show every feature of the invention specified in the claims. More particularly, the Examiner indicated that the language of claim 4 indicating that the opening has a pair of semi-circular portions connected by a straight portion is not shown in the drawings. Applicant respectfully disagrees with the Examiner and refers the Examiner to Fig. 2, which clearly shows the shape of the opening as claimed. In addition, Applicant refers the Examiner to Page 10 of the specification at lines 4-6, which states "opening 70 may be generally oval-shaped or include a pair of semi-circular end portions connected by a straight portion. Each of the semi-circular end portions has a diameter slightly greater than outer diameter of rod 28." In light of Fig. 2 and the description cited, Applicant submits that the drawings need not be amended nor the claim canceled and that the objection to the drawings with relation to claim 4 should be withdrawn.

The Examiner also objected to the drawings with regard to claims 33 and 34 which imply that the rod has an oval shape. In response, Applicant has amended claim 34 to change the dependency thereof to claim 32 so that only the oval shape of the opening in the lock is claimed and the implication that the rod has an oval shape is eliminated. Applicant submits that this amendment overcomes the Examiner's objection so that the drawings need not be amended.

The Examiner further objected to the drawings, indicating that Fig. 4 is described as showing an "unlocked" position of the lock while Fig. 5 shows the same lock orientation and is described as a "locked" position. In response, Applicant has amended the specification at Page 3, lines 16-20 as follows. The reference to Fig. 4 as amended indicates that the base assembly is in its unlocked position with the lock its locked position. The language referring to Fig. 5 as amended indicates that the base assembly is in its locked position and the lock is in its locked position. These amendments are in keeping with what is shown in Figs. 4 and 5. More particularly, Fig. 4 shows the base assembly spaced from the support structure 12 so that the base assembly is in an unlocked position which allows the rod assembly 22 to be removed from support structure 12. Fig. 4 also shows lock 44 in its locked position. Fig. 5 shows that the base assembly has been slid to its locked position abutting support structure 12 to prevent removal of rod assembly 22 therefrom while lock 44 remains in its locked position. Applicant has also amended the language regarding Fig. 6 to indicate that the lock is in its unlocked position, as is clearly shown in Fig. 6. Applicant submits that said amendments clarify the original intention of the application and are in keeping with what is shown in the figures so that no new matter is entered. Applicant thus

submits that the Examiner's objection is overcome and that no changes to the drawings are needed.

The Examiner also objected to the specification, particularly indicating that Fig. 3 is referred to as a description of the "second lock member" when Fig. 3 actually shows the first lock member. The specification has been amended at Page 3, line 15 to indicate that Fig. 3 is a perspective view of the first lock member in order to overcome the Examiner's objection.

The Examiner objected to claim 32 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, in particular, the Examiner indicated that the language "the lock position of the lock only allowing the base assembly to slide along the rod from the unlocked position toward the locked position" is unclear. In response, Applicant has amended claim 32 to eliminate the locked and unlocked position language related to the base assembly. Instead, claim 32 now refers to the base assembly having a first position adapted to prevent removal of the first rod from the support structure and a second position adapted to allow removal of the first rod from the support structure. Claim 32 accordingly has also been amended to indicate that the locked position of the lock only allows the base assembly to slide along the rod from the second position toward the first position. Applicant believes the language of claim 32 is definite and overcomes the Examiner's objection.

The Examiner rejected claims 16 and 17 under 35 USC 112, first paragraph, as failing to comply with the enablement of the requirement. Applicant respectfully disagrees with the Examiner although claims 16 and 17 have been

amended to recite a "first lock member" solely in light of an amendment to claim 1 in order to ensure antecedent agreement.

More particularly, the Examiner indicates that claim 16 sets forth the limitation "wherein the locked position of the lock prevents the base assembly from moving in a direction from the inner end of the rod toward the outer end of the rod". The Examiner further indicates that the specification does not teach, nor do the drawings show how the lock position of the lock prevents the base assembly from moving in the described direction. The Examiner specifically indicates that the language in the specification at Page 9, lines 6-8 and Page 9, lines 15-18 do not detail the operation of the locking device so as to allow one of ordinary skill in the art to make, use or understand the locking device. More particularly, the Examiner indicates that one of ordinary skill in the art would not know how to construct said arms so as to enable them to force said lock into a locking position nor would one know how to construct the device so as to allow frictional force to overcome a pulling force, in order to inhibit the movement of the base assembly from the inner end of the rod to the outer end of the rod.

In response, Applicant submits that the drawings in combination with the description would allow one of ordinary skill in the art to make the invention so that it would function as claimed in claim 16 and 17. In addition to the language of the Specification particularly noted by the Examiner, the Specification also indicates at Page 10, lines 1-3 that "the frictional and wedging engagement of the second lock member leg 66 with upper rod 28 securely locks base assembly 20 in place without the need for such lock teeth or notches." In addition, Figs. 2-8 clearly show the structure and orientation of the lock members, the body of the base assembly

and the rod in a manner which one of ordinary skill in the art could reproduce in order to make, use and understand the device. For instance, Fig. 3 clearly shows the overall structure of first lock member 50 while Fig. 2 shows its orientation from an end view and Figs. 4-6 clearly show the locking member in relationship with the body of the base assembly and the rod from the side view in the locked and unlocked positions of the lock as well as the locked and unlocked positions of the base assembly. The language noted by the Examiner at Page 9, lines 6-8 recites "body 46 engages arms 68 to force lock member 50 into the locked position when body 46 is pulled in a direction from the inner end of rod 28 toward the outer end of rod 28 without first unlocking lock 44." With this language in mind and with reference to Fig. 4, Applicant submits that one of ordinary skill in the art would understand that the engagement of body 46 with pivot arms 68 would clearly cause leg 66 of lock member 50 to angle as shown in Fig. 4 into a locking engagement with rod 28 and thus prevent the movement of the base assembly in a direction from the inner end of the rod toward the outer end of the rod. As noted above, the language at Page 10, line 1-3 further reinforces this understanding in indicating the frictional and wedging engagement of second lock member 66 with upper rod 28 securely locks base assembly 20 in place without the need for lock teeth or notches. Further, Applicant submits that the drawings of the present application are accurate and proportional representations of the actual embodiment represented thereby and that one of ordinary skill would be able to make the device simply by using the figures as a blueprint for the embodiment and that the claim limitations would be evident as an inherent aspect of the structure. Applicant submits that the description of Figs. 4 and 5 as illustrating the lock as

being in the locked position and Fig. 6 illustrating the unlocked position would make it clear to one of ordinary skill in the art that leg 66 of first lock member 50 lockably engages rod 28 in a frictional engagement which prevents the sliding of base assembly outwardly along the rod while the unlocked position shown in Fig. 6 allows for such a sliding movement.

With regard to claim 17, Applicant similarly submits that one of ordinary skill in the art would understand that the base assembly would be able to slide inwardly along rod 28 from the position shown in Fig. 4 to the position shown in Fig. 5 due to the fact that a force applied in the inward direction to the body of the base assembly would now tend to loosen the frictional engagement between leg 66 of locking number 50 and rod 28 as the body of the base assembly acted on pivot arms 68 in the inward direction which would tend to move leg 66 slightly toward the unlocked position while still be biased to frictional engagement by the finger 52 second locking member. Applicant further submits that even if the Examiner does not deem this aspect of the invention to be understood to one of ordinary skill in the art, that if the device were built in accordance with the proportions of the drawings as a blueprint that the device would operate as claimed in claim 17, and that the movement claimed is inherent to the structure shown. Applicant therefore submits that the drawings in combination with the description enable limitations of claims 16 and 17 and that said rejections are overcome.

The Examiner rejected claims 1, 2, 5, 6, 10, 15-17, 32, 35 and 40 under 35 USC 102 (B) as being anticipated by US Patent 4,474,300 to Entis.

Applicant submits that the invention of the present application is substantially different than that described in Entis. In short, Applicant's invention

relates to a base assembly 24 which locks a rod assembly 22 to a support structure 12 in order to prevent rod assembly 22 from being removed from structure 12. More particularly, structure 12 defines a plurality of holes and rod assembly 22 includes a rod 28 with a hook 26 which extends through the holes and support structure 12 in order to support rod assembly 22 from which are hung items of merchandise. Base assembly 20 includes the body 46 which defines an interior chamber in which is disposed a lock 44 including a first lock member 50 and a second lock member 54. First lock member 50 defines an opening 70 through which rod 28 extends whereby leg 66 of lock member 50 engages the portion of the rod 28 disposed within opening 70 in a frictional manner which locks lock member 50 and body 46 in a position relative to rod 28. Leg 66 is a relatively thin plate which defines opening 70. First lock member 50 further includes a leg 64 which is connected to and extends transversely to leg 66 with a pair of spaced pivot arms of 68 extending outwardly from adjacent the intersection of legs 64 and 66. Pivot arms 68 are engaged with body 46 to provide a pivot around which first lock member 50 pivots between locked and unlocked positions. The locked position of first lock member 50 prevents base assembly 20 from sliding outwardly along rod 28 while allowing it to slide inwardly along rod 28. The unlocked position of lock member 50 allows a sliding movement of base assembly 20 in either direction along rod 28. Base assembly 20 is slidable between a first position which prevents removal of rod assembly 22 from support structure 12 and a second position which allows the removal of rod assembly 22 from support structure 12. In the first position of base assembly 20, body 46 is closely adjacent or in abutment with support structure 12 adjacent the inner end of rod 28. The second position of

base assembly 20 is spaced outwardly from support structure 12 in order to allow the rod assembly 22 to pivot to remove hook 26 from the holes formed in support structure 12. Second lock member 54 is configured to bias first lock member 50 into the locked position and more particularly includes a finger 52 which is spring biased against leg 64 of lock member 50 in order to hold lock member 50 in the locked position. Lock 44 is disposed entirely within the interior chamber of body 46 and is unlockable with a magnetic key 40.

By contrast, Entis teaches a display hook having a flat upper rod 18 and a flat lower rod 12 interconnected by a vertically extending base which sits against a support structure and is hooked to the structure by a wire or other hooking device which extends through holes in the support structure and around rod 18 adjacent to the base of the rod assembly. Entis teaches more of an end assembly than a base assembly as described in Applicant's invention. More particularly, Entis includes a sliding body 30 which defines an opening in which is received rod 18 so that body 30 is slidable along rod 18 between the first and second positions wherein the first position is unlocked and the second position is locked to prevent the removal of the items of merchandise 8 which hang from the lower rod 12. Entis teaches a locking member 36 which is externally exposed and extends through an opening 38 in body 30 so that when body 30 is slid outwardly to its locked position, lock 36 is able to slide downwardly through opening 38 in order to engage the vertical outer end of the rod 18 in order to prevent body 30 from sliding inwardly along rod 18.

Claim 1 has been amended to indicate that the lock includes a first lock member which is movable relative to the body of the base assembly between

locked and unlocked positions, that the first lock member has an opening and that the first lock member lockably engages the portion of the rod disposed in the opening when the first lock member is in the locked position to lock the base assembly to the rod so that the rod cannot be removed from the support structure. Thus, the amendment to claim 1 focuses on the fact that the lock member engages the portion of the rod disposed in the opening when locked. Applicant submits that the lock member 36 of Entis fails to teach an opening in which the rod 18 is received. Instead, Entis teaches a body 30 which defines an opening in which rod 18 is disposed in order to allow a sliding movement of body 20 there along. At no time does body 30 lockingly engage the portion of the rod 18 within said opening. Instead, lock member 36, which does not define the opening, is the structure which provides locking engagement. Applicant submits that claim 1 is allowable and that claims 2, 5, 6, 10 and 15-17 are allowable as depending therefrom.

Regarding claim 5, Applicant submits that Entis fails to teach that the lock member which is movable relative to the body (as required by claim 1) and pivots between its locked and unlocked positions. To the contrary, Entis teaches a body 30 which defines an opening which simply slides back and forth along rod 18. Applicant therefore submits that claim 5 is independently allowable.

Regarding claim 6, Applicant submits that Entis fails to teach or suggest that the first lock member pivots with respect to the rod and that claim 6 is also independently allowable.

Regarding claim 17, Applicant submits that Entis fails to teach or suggest that the locked position of the first lock member allows the base assembly to move

in a direction from the outer end of the rod toward the inner end of the rod. By contrast, when lock member 36 of Entis is in the locked position and thus engaging the end of rod 18, the body 30 and lock 36 cannot move in the inward direction as claimed. Applicant thus submits that claim 17 is independently allowable.

As amended, independent claim 32 indicates that the base assembly is carried by the rod and is slidable between a first position adapted to prevent removal of the first rod from the support structure and a second position adapted to allow removal of the first rod from the support structure. In addition, claim 32 is amended to indicate that the locked position of the lock only allows the base assembly to slide along the rod from the second position toward the first position. Applicant submits that Entis fails to teach or suggest this limitation and indeed teaches away from it. More particularly, Entis teaches that when the lock is in the locked position, the base assembly is incapable of sliding in either direction. The base assembly of Entis is only slidable when the lock member 36 is in the unlocked position. Applicant thus submits that claim 32 is allowable and that claims 35 and 40 are allowable as depending therefrom.

The Examiner also rejected claims 1, 5, 9, 10, 16, 17, 32, 33 and 36-38 under 35 USC 102(E) as being anticipated by US Patent Application Publication 2004/0026344 to Sedon, et al. In response, Applicant first submits that Sedon, et al is not prior art. First, Sedon et al cannot be used as prior art under 35 USC 102(E) because it is not a US Patent, but rather a publication, and thus does not qualify for use under said statutory section. Applicant also notes that Sedon, et al may not be used under 35 USC 102(A) because its publication date is not before

the filing date of the present application. In the event that the Examiner wishes to make a provisional rejection under 35 USC 102(E) through 35 USC 103, Applicant submits that the two applications are commonly owned or are the subject of an obligation to assignment to the same entity. The assignment documents are attached in support of this claim and additional information may be provided as necessary.

Even though Applicant submits that Sedon, et al is not prior art, Applicant nonetheless believes that the claims are allowable over Sedon, et al and addresses the claims accordingly in the case that Sedon, et al is deemed to be prior art.

Claim 1 has been amended in part to indicate that the lock includes a first lock member movable relative to the body of the base assembly between locked and unlocked positions and that the first lock member has an opening, that a portion of the rod is disposed in the opening and that the first lock member lockably engages the portion of the rod disposed in the opening when the first lock member is in the locked position to lock the base assembly to the rod so that the rod cannot be removed from the support structure. The Examiner noted that lock assembly 159 of Sedon, et al has an opening 124 in which the rod 108 is disposed. However, said opening is formed in the body of the base assembly as opposed to the first lock member as claimed in claim 1. More particularly, the first lock member which defines the opening is claimed to be movable relative to the body and thus, opening 124 of Sedon, et al cannot be the opening as claimed. Sedon, et al teaches a lock having first and second lock members 168 and 162, neither of which defines an opening in which the rod is disposed. Applicant thus

submits that claim 1 is allowable over Sedon and that claims 5, 9, 10, 16 and 17 are allowable as depending therefrom.

Regarding claim 17, Applicant respectfully disagrees with the Examiner's position that Sedon teaches a base assembly which is capable of moving in a direction from the outer end of the rod toward the inner end of the rod when the first lock member is in the locked position. The Examiner specifically indicates that there is not a stop which prevents element 168 from sliding within notch 142 in the claimed direction. Applicant refers the Examiner to Fig. 3 and notes that indeed the base assembly includes both a vertical wall which abuts hook 112 and a horizontal wall which abuts connecting rod 138 in a manner that provides such a stop in order to prevent the base assembly from moving further in the claimed inward direction. Applicant thus submits that claim 17 is independently allowable.

As previously noted, claim 32 has been amended to indicate that the base assembly is slidable between a first position adapted to prevent removal of the first rod from the support structure and a second position adapted to allow removal of the first rod from the support structure, and that the locked position of the lock only allows the base assembly to slide along the rod from the second position toward the first position. In contrast, Sedon teaches that when the lock is in the locked position, the base assembly is not capable of sliding along the rod in either direction. As previously discussed with regard to claim 17, the base assembly of Sedon may not slide inwardly when the lock is in the locked position due to the base assembly abutting with hook 112 or rod 138. In addition, lock member 168 of Sedon engages the outer ledge 143 of notch 142 in order to prevent the base assembly from sliding outwardly. Thus, Sedon teaches away from the limitations of

claim 32. Applicant therefore submits that claim 32 is allowable and that claims 33 and 36-38 are allowable as depending therefrom.

The Examiner also rejected claims 2-4 and 34 under 35 USC 103 as being unpatentable over Sedon, et al alone. Applicant submits that claims 2-4 are allowable as depending from allowable claim 1 and that claim 34 is allowable as depending from allowable claim 32.

Applicant has also added new claims 41-60 to further define the invention of the prior art and submits that each of the claims is independently allowable. The new claims include independent claims 50 and 54.

New independent claim 50 focuses on a base assembly which has a body defining a through opening and a first lock member defining a through opening which is aligned with the through opening of the body wherein the rod is received in each of the through openings. The first lock member is movable relative to the body between a locked position in which the first lock member lockably engages a rod to lock the body to the rod in the first position of the body and an unlocked position in which the body is slidable from the first position to the second position. The first position of the body is adapted to prevent the rod from being removed from the support structure while the second position is adapted to allow the rod to be removed from the support structure. Applicant submits that this combination is neither taught nor suggested by the cited references and that claim 50 is therefore allowable.

New independent claim 54 focuses on a base assembly having a body and a first lock member carried thereby wherein the body is movable between first and second positions which respectively prevent and allow removal of the rod from the

support structure. The first lock member includes a plate defining a through opening in which a portion of the rod is disposed. The first lock member is movable relative to the body between locked and unlocked positions such that the plate in the locked position engages a rod to lock the body in the first position to the rod and in the unlocked position is slidable along the rod to allow the body to move to the second position. In addition, the plate is transverse to the rod in each of the locked and unlocked positions. Applicant submits that neither of the cited references teach or suggest this combination of limitations and that claim 54 is therefore allowable. The new dependent claims further define the independent claims of the application over the cited references.

In light of the above discussion and the amendments, Applicant submits that claims 1-10, 15-17, 32-38 and 40-60 are in allowable form.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. Please call the undersigned attorney if any questions remain after this amendment.

Respectfully submitted at Canton, Ohio this 8th day of June, 2006.

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